

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNIFIED HOLDINGS LLC, A Nebraska  
Limited Liability Company,**

**Plaintiff,**

**V.**

**OPTICAL PRODUCTS DEVELOPMENT  
CORP., A Delaware Corporation, and  
KENNETH WESTORT, an individual,**

## Defendants.

**CASE NO. 8:07CV423**

**ORDER TO PLAINTIFF  
TO SUPPLEMENT ITS  
JURISDICTIONAL STATEMENT  
TO ENSURE DIVERSITY  
OF PARTIES**

This matter is before the Court on its own motion. A review of the file shows that the Plaintiff, Unified Holdings LLC, is a Limited Liability Company. The Court has an obligation to ensure that subject matter jurisdiction exists. See *Sanders v. Clemco Industries*, 823 F.2d 214, 216 (8<sup>th</sup> Cir. 1987) (“The threshold requirement in every federal case is jurisdiction and we have admonished the district court to be attentive to a satisfaction of jurisdiction requirements in all cases.”). It is the plaintiff’s burden to plead the citizenship of the parties in attempting to invoke diversity jurisdiction. See *Walker v. Norwest Corp.*, 108 F.3d 158, 161 (8<sup>th</sup> Cir. 1997); Fed. R. Civ. P. 8(a)(1).

It is the citizenship of a Limited Liability Company's members - not the state in which the company was formed - that is relevant for purposes of establishing diversity jurisdiction. *See GMAC Commercial Credit LLC v. Dillard Dept. Stores, Inc.*, 357 F.3d 827, 828-29 (8<sup>th</sup> Cir. 2004). Thus, to establish diversity, the plaintiff must allege the citizenship of each member of the Plaintiff, Unified Holdings LLC, and must show that no such member is a citizen of any state of which any Defendant is a citizen. *See Capitol Indemnity Corp. v.*

*Russellville Steel Co, Inc.*, 367 F.3d 831, 835 (8<sup>th</sup> Cir. 2004) (discussing requirement of complete diversity).

IT IS ORDERED that:

1. Plaintiff is directed to file a Supplement Statement of Jurisdiction, on or before April 28, 2008, by listing the citizenship of each member of Unified Holdings LLC, to demonstrate complete diversity of the parties and to ensure this Court's subject matter jurisdiction.

DATED this 14<sup>th</sup> day of April, 2008.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge